

CHARTER INLAND WATERWAYS USERS BOARD

- A. Official Designation: The committee shall be known as the Inland Waterways Users Board (hereafter referred to as the Board).
- B. Objectives and Scope of Activities: The Board, under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 33 U.S.C § 2251, as amended, shall provide the Secretary of Defense, through the Secretary of the Army and the Assistant Secretary of the Army for Civil Works, independent advice and recommendations on matters relating to construction and rehabilitation priorities and spending levels on the commercial navigational features and components of U.S. inland waterways and inland harbors.

The Board shall annually file their recommendations with the Secretary of the Army and with the Congress. The Secretary of the Army or designee may act upon the advice of the Board.

- C. Board Membership: Pursuant to 33 U.S.C § 2251(a), the Board shall be composed of eleven members selected by the Secretary of the Army and appointed by the Secretary of Defense. The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways.

Board members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Board members shall, with the exception of travel and per diem for official travel, serve without compensation.

Board members shall serve two-year terms, with their appointments renewed on an annual basis. No member, unless otherwise authorized by the Secretary of the Army or designee, shall serve more than four consecutive years on the Board. Appointments vacated prior to the expiration of the term of said appointment shall be filled only for the remainder of the term.

The Secretary of the Army shall select the Board's Chairman and Vice Chairman from the total membership, and these individuals shall serve at the discretion of the Secretary of the Army or designee. The Vice Chairman will act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

The Secretary of the Army shall choose, and the Secretaries of Agriculture, Transportation, and Commerce may designate, representatives to act as non-voting observers of the Board. In addition, the Secretary of the Army or designee through the

Secretary of Defense may appoint consultants with special expertise to assist the Board on an ad hoc basis.

- D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairman and the Assistant Secretary of the Army for Civil Works. Pursuant to 33 U.S.C § 2251(b), the Board shall meet at least semi-annually.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Board and subcommittee meetings.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or workgroups shall operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate Federal regulations.

Subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

- E. Duration and Termination of the Board: Pursuant to 33 U.S.C. § 2251, the need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Department of the Army, shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.
- G. Operating Costs: It is estimated that the annual operating costs for this Board, to include travel costs and contract support, are \$250,000.00. The estimated annual personnel costs to the Department of Defense are 1.5 full-time equivalents.
- H. Date Charter Filed: March 21, 2007